



SIDLEY AUSTIN LLP
ONE SOUTH DEARBORN STREET
CHICAGO, IL 60603
(312) 853 7000
(312) 853 7036 FAX

ncrowell@sidley.com
(212) 839 5449

BEIJING	HONG KONG	SAN FRANCISCO
BOSTON	HOUSTON	SHANGHAI
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FOUNDED 1866

June 10, 2015

Via ECF (S.D.N.Y.) and Email (C.D. Cal. and D. Kan.)

The Honorable Denise L. Cote
United States District Court for the Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

The Honorable George H. Wu
United States District Court for the Central District of California
312 North Spring Street
Los Angeles, CA 90012

The Honorable John W. Lungstrum
The Honorable James P. O'Hara
United States District Court for the District of Kansas
500 State Avenue, Suite 517
Kansas City, KS 66101

Re: *NCUA v. RBS Securities, Inc.*, No. 13-6726 (S.D.N.Y.)
NCUA v. RBS Securities, Inc., No. 11-5887 (C.D. Cal.)
NCUA v. RBS Securities, Inc., No. 11-2649 (D. Kan.)
NCUA v. Morgan Stanley & Co., No. 13-6705 (S.D.N.Y.) (Lead Case)

Dear Judges Cote, Wu, Lungstrum and O'Hara:

I am writing on behalf of James Whittemore (“Mr. Whittemore”), a non-party to these actions, who filed his Motion to Quash Subpoena and for a Protective Order in the Northern District of Illinois on May 11, 2015, seeking relief from a subpoena issued by the National Credit Union Administration Board (“NCUA”) from this Court (the “Coordinating Court”) on April 14, 2015.

Pursuant to the Coordinating Court’s May 20, 2015 order (Dkt. # 297, 13-cv-6705), the “party seeking discovery shall file in each district in this coordinated litigation copies of the motion papers related to the dispute” if a discovery dispute is transferred from another district to the Coordinating Court. Mr. Whittemore files this letter seeking leave to file four exhibits (Exhibits 6-9) attached to his Memorandum in Support of Motion to Quash and for a Protective



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Order under seal, which NCUA, the party seeking discovery, omitted from its recent letter to the Courts. (Dkt. # 238 n.1, 13-cv-6726). These exhibits are confidential transcripts of Mr. Whittemore's previous testimony.

Pursuant to the Master Protective Order (Dkt. #102, ¶ 9) which provides:

In the event that before trial in the Related Actions, or in connection with any hearing in or any matter relating to the Related Actions, counsel for any Party determines to file or submit in writing to the Clerk's office any Protected Material, or any papers containing or making reference to the substance of such material or information, such documents or portions thereof containing or making reference to such material or information shall be filed with a request that the documents be filed under seal in accordance with the rules of the Court, and kept under seal until further order of the Court.

Mr. Whittemore requests that Coordinating Court grant leave to file these exhibits under seal because these transcripts are designed confidential and contain sensitive information. Mr. Whittemore will hand deliver a copy of this letter along with these exhibits to the Coordinating Court in support of his application to file these exhibits under seal. Once the Coordinating Court grants leave to file under seal, Mr. Whittemore will file the actual exhibits under seal.

Respectfully Submitted,

/s/ Nicholas P. Crowell

Nicholas P. Crowell
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
Phone: (212) 839-5449
Fax: (212) 839-5599
ncrowell@sidley.com

Counsel for Non-Party James Whittemore